

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LEGAL RECOVERY ASSOCIATES LLC,

Plaintiff,

– *against* –

BRENES LAW GROUP, P.C., *and* TROY A.
BRENES,

Defendants.

ORDER

22-cv-1778 (ER)

RAMOS, D.J.:

Legal Recovery Associates LLC (“LRA”) filed this action in state court on January 28, 2022. Doc. 1-1. Defendants Brenes Law Group, P.C., and Troy A. Brenes (collectively, “BLG Defendants” or “Defendants”) removed the case to this Court on March 3, 2022. Doc. 1. On March 22, 2022, the Court referred the case to Magistrate Judge Barbara C. Moses. Doc. 12. Thereafter on March 29, 2022, LRA filed a motion to dismiss Defendants’ first counterclaim and to strike affirmative defenses. Doc. 17.

On February 13, 2023, Magistrate Judge Moses issued a Report and Recommendation (“R & R”), recommending that the motion be granted in part. Doc. 33. Specifically, Judge Moses recommended that the Court dismiss Defendants’ first counterclaim insofar as it is asserted by Defendant Brenes, and that the eighth and ninth affirmative defenses should be stricken entirely. *Id.* at 29. Additionally, Judge Moses notified the parties that they had fourteen days from service of the Report and Recommendation to file written objections. *Id.* That period has passed, and no objection to the Report has been filed.

I. STANDARD OF REVIEW

A district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Parties may raise "specific," "written" objections to the report and recommendation "[w]ithin fourteen days after being served with a copy." *Id.*; *see also* Fed. R. Civ. P. 72(b)(2).

A district court reviews *de novo* those portions of the report and recommendation to which timely and specific objections are made. 28 U.S.C. § 636(b)(1)(C); *see also United States v. Male Juvenile (95-CR-1074)*, 121 F.3d 34, 38 (2d Cir. 1997). The district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

II. DISCUSSION

Notwithstanding that no objections were filed, the Court reviewed Magistrate Judge Moses' thorough and well-reasoned Report and finds no error, clear or otherwise. The Court therefore adopts Magistrate Judge Moses' recommendations.

For the reasons set forth above, LRA's motion to dismiss the first counterclaim and to strike Brenes' affirmative defenses is GRANTED in part, as set out in the R & R. Doc. 33. The Clerk of the Court is respectfully directed to terminate the motion, Doc. 17.

It is SO ORDERED.

Dated: February 28, 2023
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

EDGARDO RAMOS, U.S.D.J.